

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EWELL ROBERTS,

Plaintiff,

Case No.: 1:08-cr-458

v.

HONORABLE PAUL L. MALONEY

TOM MARSH, et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt. #100) filed by United States Magistrate Judge Ellen S. Carmody in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that defendants' motion for summary judgment (Dkt. #81) is **DENIED**.

Dated: February 8, 2011

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge